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54

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,921	09/20/2000	Jim Barton	TIVO0024	8519
7590	08/02/2005		EXAMINER	
Kirk D Wong Hickman Palermo Truong & Becker LLP 2055 Gateway Place Suite 550 San Jose, CA 95110-1089			VENT, JAMIE J	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 08/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/665,921	BARTON ET AL.	
	Examiner	Art Unit	
	Jamie Vent	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 November 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-81 is/are pending in the application.
 4a) Of the above claim(s) 15-27, 42-54, and 69-81 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-14, 28-41 and 55-68 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 15-27, 42-54, and 69-81 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 9, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12-14, 28-37, 39-41, 55-64, and 66-68 are rejected under 35 U.S.C. 102(e) as being unpatentable by Zigmond et al (US 6,400,407).

[claims 1, 28, & 55]

In regard to Claims 1, 28, and 55 Zigmond et al discloses a process and apparatus for frame specific tagging of television audio and video broadcast streams with tag translation at a receiver, comprising the steps of:

- providing a storage device on said receiver (Figure 2 shows a storage device that is present on the receiver);

- inserting tags into said broadcast stream (Figure 4 discloses the inserting of tags that is sent through the broadcast stream);
- tuning said receiver to said broadcast stream (Column 2 Lines 40-51 describes the tuning of the receiver to receive the broadcast stream);
- storing said broadcast stream on said storage device (Figure 3 shows the storage system and furthermore disclosed in Column 6 Lines 11-25);
- detecting and processing said tags in said broadcast stream (Column 6 Lines 1-25 discloses the detecting and processing of tags into the broadcast stream);
- displaying program material in said broadcast stream from said storage device to a viewer (Column 5 Lines 64-67 describes the displaying of the program material);
- wherein said processing step performs the appropriate actions in response to said tags (Column 6 Lines 42-62 describes the processing step that performs appropriate actions); and
- wherein said tags include command and control information (Column 6 Lines 42-62 describes that tags include command and control information).

[claims 2, 29, & 56]

In regard to Claims 2, 29, and 56 Zigmond et al discloses a process and apparatus wherein tags indicate the start and end points of a program segment (Column 6 Lines 59-61 describes the start and end times that are included in the tags).

Art Unit: 2616

[claims 3, 30, & 57]

In regard to Claims 3, 30, 57, Zigmond et al discloses process and apparatus wherein said displaying step skips over said program segment in response to the viewer pressing a button on a remote input device (Column 5 Lines 19-27 describes the displaying step that skips over the program segment in response from the user via the remote).

[claims 4, 31, & 58]

In regard to Claims 4, 31, and 58, Zigmond et al discloses a process and apparatus having a displaying step automatically skips said program segment (Column 9 Lines 35-63 describes the step of automatically skipping the program segment).

[claims 5, 32, & 59]

In regard to Claims 5, 32, and 59 Zigmond et al discloses a process and apparatus processing step displays a menu to the viewer based on information included in a tag (Column 5 Lines 25-27 describes the menu that is displayed to the user regarding tagged information).

[claims 6, 33, & 60]

In regard to Claims 6, 33, and 60, Zigmond et al discloses a process and apparatus wherein the processing step records the current program in the broadcast stream on said storage device based on information included in a tag (Column 9 Lines 35-63 describes the processing step that records the current program in the broadcast stream on the storage device based on the information included in the tag).

[claims 7, 34, & 61]

Art Unit: 2616

In regard to Claims 7, 34, and 61 Zigmond et al discloses a process and apparatus wherein the processing step further comprising the steps of:

- displaying, allowing the viewer to scroll, and performing an action associated with the multiple icons (Column 9 Lines 9-33 describes the multiple icons that are accessible to the viewer);
- accepting viewer input information and selecting a particular icon based on the viewer's input (Column 5 Lines 19-27 describes the viewer accepting the input information and selecting a an icon based on the viewers input).

[claims 8, 35, & 62]

In regard to Claims 8, Zigmond et al discloses the process and apparatus comprising the steps of:

- wherein said processing step displays an icon to the viewer based on information included in a tag (Column 9 Lines 9-33 describes the process of displaying an icon to the viewer based on information included in the tag);
- accepting viewer input information and interacting with the viewer based on the tag information (Column 5 Lines 19-41 describes the accepting of the input information and interacting with the tag information);
- wherein said displaying step saves the exit point in the program material (Column 9 Lines 9-61 describes the display steps that saves the exit point of the program material); and

- wherein the viewer is returned to said exit point upon completion of any interaction (Column 9 Lines 9-61 additional describes the return to the program material).

[claims 9, 10, 36, 37, 63, & 64]

In regard to Claims 9, 10, 36, 37, 63, and 64 Zigmond et al discloses the process and apparatus further comprising the steps of:

- presenting a plurality of menus to the viewer for generating a lead (Figure 9 Lines 9-32 describes the presenting of plurality of menus to viewers for generating a lead on advertisements); and
- forwarding the viewer's contact information to a third party upon viewer approval (Figure 1 shows the bi-directional communication that happens from the server unit to the user which forwards appropriate information and furthermore is described in Column 4 Lines 49-65).

[claims 12, 39, & 66]

In regard to Claims 12, 39, and 66 Zigmond et al discloses a process and apparatus further comprising the steps of:

- presenting the content of a Web site's Web Page to the viewer in response to the viewer's input wherein the viewer is allowed to interact with the web site (Column 7 Lines 40+ describes the presenting of web site information to the viewer).

[claims 13, 40, & 67]

In regard to Claims 13, 40 and 67 Zigmond et al discloses a process and apparatus wherein said tags allow

a system administrator to remotely configure said receiver (Figure 1 shows the bi-directional communication allowing a system administrator to remotely configure and receive content through the receiver.)

[claims 14, 41, & 68]

In regard to Claims 14, 41, and 68 Zigmond et al discloses the process and apparatus further comprising the steps of:

- marking indexes in said program material based on tag information and jumping to an index selected by the viewer (Column 8 Lines 37-64 describes the marking of indexes of the program material based on tag information and jumping to an index selection by the viewer).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11, 38, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al (US 6,400,407) in view of Dunn et al (US 5,648,824).

[claims 11, 38, & 65]

Art Unit: 2616

In regard to Claims 11, 38 and 65, Zigmond et al discloses the process and apparatus for frame specific tagging of television audio and video broadcast streams with tag translation; however, fails to discloses the presenting a set of program recording options to the viewer; and scheduling the viewer's recording preferences.

Dunn et al discloses a system that has user interface allowing video controlling through options such as playback, record, fast forward, etc. It is seen in Figure 3 the user views information regarding the program and thereby schedules the recording preferences as further described in Column 5 Lines 27-65. Thereby allowing the user to choose various programming options when setting a recording schedule which allows for more accurate recording schedules. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a system of tagging broadcast streams, as disclosed by Zigmond et al, and further incorporate a system which provides user the information regarding recording of the programs, as disclosed by Dunn et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yee (US 5,121,476)

Fujii (US 6,229,532)

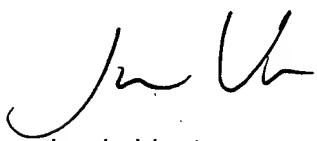
Utsumi (US 6,243,741).

Contact Information

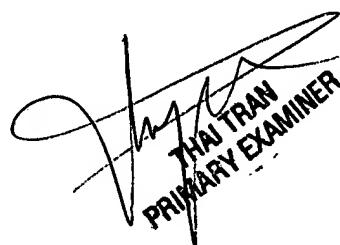
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent
06/09/05



THAI TRAN
PRIMARY EXAMINER